

ORIGINAL

1 Michael Torres Jaimes  
2 In Pro Se  
3 FCI Terminal Island  
4 1299 Seaside Avenue  
5 Terminal Island, CA 90731

6 Defendant  
7 In Pro Se

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

SEP 05 2007

at 1 o'clock and 15 min. P.M.  
SUE BEITIA, CLERK

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE DISTRICT OF HAWAII

10 UNITED STATES OF AMERICA,  
11 Plaintiff

CR NO. 03-00501 SOM

CV 02 00407 SOM-BMK

12 v.

PETITION FOR APPOINTMENT OF COUNSEL,  
AND REQUEST FOR AN EVIDENTIARY HEARING

13 MICHAEL TORRES JAIMES,  
14 Defendant

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17 COMES NOW Petitioner, Michael Torres Jaimes, in pro se, in want and  
18 need of counsel and under adverse conditions of imprisonment, and dis-  
19 advantage of poor education in the English language and complete lack of  
20 knowledge of all things legal, respectfully requests that this Court appoint  
21 him counsel to properly present all claims before this court and/or hold  
22 an Evidentiary Hearing in order to properly determine whether the issues in  
23 question need further inquiry, investigation or require additional evidence  
24 in order to provide this Court with a sufficient basis from which to  
25 properly adjudicate this case based on the appropriate factual and legal  
26 elements. In support of the instant request, Petitioner states as follows:  
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- 1) Petitioner is indigent, totally destitute and has to proceed in this fashion, with the aid of an interpreter, and inmates familiar with a modicum of the law, which they have learned due to their own incarceration.
- 2) The only outside involvement to Petitioner comes from his family, and other Buddhist practitioners and enlightenment seekers, that participate in various correspondence with Petitioner, due to his involvement with Meditation and Enlightenment groups, of which Petitioner followed upon the wake of his suffering occasioned due to the instant case.
- 3) The underlying facts and arguments presented in the instant petition for writ of habeas corpus, reasonably suggest that further exploration of this case is necessary to proper development of the issues involved herein.
- 4) This evidentiary, factual and legal investigation cannot be properly conducted by Petitioner as he is severely limited in his language, comprehension and legal abilities.
- 5) Given the factual, legal and evidentiary determination that must be entertained in the instant matter, the assignment of counsel and/or the ordering of an Evidentiary Hearing would be appropriate in this case.
- 6) It is in the interest of Justice, judicial economy and due process that, pursuant to the provisions found in Title 18 U.S.C. 3006A, this Honorable Court should exercise its discretionary powers and either appoint counsel or hold an evidentiary hearing in the instant matter.
- 7) Petitioner is forthwith filing, and is accompanying this Application his 28 U.S.C. 2255 Motion, in order to timely file said Motion and in order to allow him, and hopefully appointed counsel, additional time in which to submit his Memorandum of Points and Authorities in support of his writ of habeas corpus

1 8) Petitioner is entitled to redress, is proceeding in good faith and not  
2 for purposes of delay or vexation.

3 9) Petitioner begs the court to consider, that counsel would greatly aid  
4 in the verbal presentation by Petitioner of his case, his status emotionally  
5 during trial, the adverse assistance to trial and appeal counsel, of his  
6 emotional and comprehension abilities at the time of trial, his interaction  
7 with his counsel and family, and his shift upon the culmination of his  
8 trial. Local counsel in Los Angeles, would be most appropriate given the  
9 location of incarceration which is currently at Terminal Island, San  
10 Pedro, California.

11 Respectfully submitted this \_\_\_\_ day of June, 2007.  
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14 Michael Torres Jaimes  
15 Defendant In Pro Se  
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## DECLARATION OF PETITIONER

MICHAEL TORRES JAIMES

COMES NOW Petitioner, Michael Torres Jaimes, in pro se, and in want and need of counsel, bringing forth this declaration, that accompanies his 28 U.S.C. 2255 Motion, in order to timely file said motion in order to allow him additional time in which to submit his Memorandum of Points and Authorities in Support of his writ of habeas corpus.

Petitioner states as follows

- 1) Petitioner incorporates his petition for Appointment of Counsel and request for evidentiary hearing, into this declaration, for Judicial Notice.
  - 2) Petitioner is filing his 2255 application at this time in order to meet any conceivable deadlines. He would like to have a case number and briefing schedule, so that he can properly identify his forthcoming Memorandum of Points and Authorities in Support of his 28 USC 2255.
  - 3) Petitioner is proceeding in Good Faith and not for purpose of delay or vexation.
  - 4) Petitioner is untrained in the law and has very little comprehension of education in legal writing, thought or analysis. Petitioner's verbal and oral skills, are his only instruments of communications in such matters. As such, he has to rely on someone else that is somewhat familiar with the law, who can understand English to assist him in this process.
- Respectfully submitted this\_\_ of June, 2007.

Michael Torres Jaimes  
In Pro Se



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CERTIFICATE OF SERVICE

I, M. James, hereby certify that I have served a true and correct copy of the following:

2255 PETITION +  
MOTION FOR APPOINTMENT  
OF COUNSEL

which is deemed filed at the time it was delivered to prison authorities for forwarding, Houston v. Lack, 457 U.S. 266 (1988), upon the (plaintiff/defendant)(petitioner/respondent)(appellant/appellee) and/or its attorney(s) of record by placing same in a sealed, postage prepaid envelope addressed to:

US ATTORNEYS OFFICE  
PSK FEDERAL BLDG  
300 ALA MOONA

HONOLULU, HI 96850

and deposited same in the United States mail box at FCI Terminal Island, 1299 Seaside Avenue, San Pedro, California 90731, on this 23<sup>rd</sup> day of August, 2007

X [Signature]

Id. No.

08/28/07

86601498

1299 Seaside Avenue

San Pedro, California 90731